



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
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August 21, 2017

Chief David McDavid
Zachary Police Department
P.O. Box 310
Zachary, Louisiana 70791

Re: Ethics Board Docket No. 2017-660

Dear Chief McDavid:

The Louisiana Board of Ethics, at its August 18, 2017 Board meeting, considered your request for an advisory opinion regarding whether there are any conflicts of interest that would arise from the communications supervisor within the Zachary Police Department (ZPD) marrying an employee he supervises. Shawntell Johnson serves as the supervisor of the nine employees in the Communications Division within the ZPD. You stated that Ms. Johnson only works day shifts while the remaining employees' shifts vary. Ericka Kelly has served as a communications officer under the direct supervision of Ms. Johnson for two years. You stated that Ms. Johnson and Ms. Kelly are scheduled to be married in November of 2017. You listed multiple employees within the ZPD who could provide the supervisory duties if Ms. Johnson would be prohibited from participating in transactions in which Ms. Kelly had a substantial economic interest.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit the continued employment of Ericka Kelly within the Communications Division of the Zachary Police Department after her marriage to Shawntell Johnson. La. R.S. 42:1119A provides that no member of the immediate family of an agency head shall be employed in her agency. However, La. R.S. 42:1119C(2) provides that the provisions of this Section shall not prohibit the continued employment of any public employee nor shall it be construed to hinder, alter, or in any way affect normal promotional advancements for such public employee where a member of public employees' immediate family becomes the agency head of such public employee's agency, provided that such public employee has been employed in the agency for a period of at least one year prior to the member of the public employee's immediate family becoming the agency head. Ericka Kelly's marriage to Shawntell Johnson, agency head of the Communications Division, would make Ms. Johnson an immediate family member to Ms. Kelly. However, Ms. Kelly has been employed for over two years with the ZPD Communications Division.

The Board further concluded, and instructed me to inform you, that the Code of Governmental Ethics would prohibit Shawntell Johnson from participating in any transactions in which Ericka Kelly has a substantial economic interest. La. R.S. 42:1112B(1) provides that no public servant shall participate in a transaction involving the governmental entity in which, to her actual knowledge, any member of her immediate family has a substantial economic interest. As such, a disqualification plan

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should be submitted in conforming to Chapter 14 of the Rules for the Board of Ethics, which is enclosed with this correspondence, disqualifying Ms. Johnson from any prohibited participation.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

A handwritten signature in black ink, appearing to read "Brett Robinson", written over a horizontal line.

Brett Robinson
For the Board